

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL RODGERS,

Defendant.

Criminal Case No. 10-20770

Civil Case No. 14-11971

HON. DENISE PAGE HOOD

**ORDER DENYING APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES OR COSTS ON APPEAL**

On February 4, 2015, the Court entered a Judgment and Order Denying Defendant Manuel Rodgers' Motion to Vacate Sentence under 28 U.S.C. § 2255 and Motion to Amend. (Doc. Nos. 66, 67) In its Order, the Court declined to issue a certificate of appealability. (Doc. No. 66) Rodgers filed a Notice of Appeal on February 20, 2015, along with an Application to Proceed Without Prepayment of Fees on Appeal. (Doc. Nos. 68, 69)

The Court finds that any appeal from the Court's February 4, 2015, Order would be frivolous, because the basis of Defendant's Motion to Vacate was without merit. In his Motion to Vacate, Defendant claimed ineffective assistance of counsel based on his attorney's failure to force the Government to produce a confidential informant at trial or to verify a confidential informant existed. Since Defendant was

not entitled to have the informant be produced or identified, his claim was without merit. Appeal of the February 4, 2015, Order and Judgment would be frivolous and would not be taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997)(overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

Accordingly,

IT IS ORDERED that Defendant Manuel Rodgers' Application to Proceed Without Prepayment of Fees on Appeal (**Doc. No. 69**) is DENIED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: May 15, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 15, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager